

Remarks:

Claims 1-18 are pending in the subject application.

Claim 4 has been amended to obviate the §112 rejections.

Claim 8 has been indicated to be allowable and has been rewritten in independent form including all of the limitations of its base claim. New claims 11-18 depend from Claim 8 and are therefore allowable with Claim 8 without regard to the further patentable limitations recited respectively therein.

Claims 2, 3, and 5-7 have been amended to clarify the claims.

§103(a) Rejections:

Independent claim 1 is rejected under §103(a) as obvious over *Gaydoul* in view of *Court*. For at least the reasons discussed below, the Applicant respectfully requests the obviousness rejections be withdrawn.

Claim 1, recites, *inter alia*: “the nozzles being arranged in the nozzle head radially inclined outwardly at an angle of inclination (α) in the range of $0^\circ \leq \alpha \leq 20^\circ$, and **inclined in circumferential direction (f,f') of the rotation of the nozzle head.**”

(emphasis supplied) At page 4 of the Action, the Examiner acknowledges that *Gaydoul* does not disclose this limitation. However, the Examiner asserts that *Court* supplements the deficiencies of *Gaydoul*. The Applicant disagrees with the Examiner's assertion.

Court discloses that the nozzles are inclined in a direction **opposite** to the circumferential direction of the rotation of the nozzle head, not in a circumferential direction of the rotation of the nozzle head as claimed. *Court* discloses inclining nozzles 45 radially outward with respect to the axis of a pipe 1 and seamless pipe 41 and further

discloses that the “action of the water will impart a turning movement to the pipes 1 and 41.” p. 3, Col. 1:54-68. Therefore, *Court* teaches using the water pressure as a drive means for rotating the nozzle head (pipes 1 and 41) through inclination of the nozzles 45 in a circumferential direction. Thus, *Court* does not disclose the claimed limitation but rather teaches away from it.

Additionally, *Court* is not directed at the same type of mechanism as the Applicant’s claimed invention. *Court*, does not disclose, teach, or suggest the problem in the art that the Applicant was trying to solve, namely descaling a rolled stock surface uniformly in the direction of the width of the rolled stock surface and improving the descaling treatment of hot rolled stock with an apparatus to achieve uniform descaling across the entire width thereof. *Court* is directed to a “process for cleaning vessels which contain solids, like carbonaceous material, particularly deposits of coke produced by the carbonization of hydrocarbon oils...by means of water jets.” p. 1, Col. 1:12-18. In contrast, the pending claims are directed to an apparatus for descaling hot rolled stock, i.e. removing scale layers on the surface of, for example, steel strips which after hot rolling are covered by an oxide layer which is chemically bound to the steel material. Thus, descaling hot rolled stock requires extremely high water pressures of up to 1000 bars or more. *See*, e.g. Para [0017] of Applicant’s disclosure. However, *Court* is not directed at such a high pressure mechanism for descaling hot rolled stock as such water pressure levels are not disclosed by *Court* and were unknown at the time of *Court*’s issuance in 1938. *See*, e.g. p.5, 1:18-73. Furthermore, *Court* uses water pressure as the drive means for rotating pipes 1 and 41 through inclination of nozzles 45 where the

pending claims require a motor driven nozzle head. Thus, because *Court* is clearly not directed at the same type of mechanism as recited in the pending claims and teaches away from the claimed limitations, it can not properly be used as the basis for modifying the teachings of *Gaydoul* to reject Claim 1.

For at least the above reasons, the Applicant respectfully requests reconsideration and withdrawal of the rejections of Claim 1.

Claims 2-7, and 9-10 ultimately depend from Claim 1 and are therefore in condition for allowance by virtue of dependency alone and without addressing the additional patentable elements thereof. Reconsideration and withdrawal of the rejection of Claims 2-7 and 9-10 is requested.

Conclusion:

Applicant respectfully submits that Claims 1-18 are in condition for allowance. Accordingly, an early and favorable reconsideration of this application is respectfully requested.

The Office is requested and authorized to charge any fee associated with this application to Deposit Account No. 04-1679 to Duane Morris LLP.

Respectfully submitted,



Patrick D. McPherson

Reg. No. 46,255

DUANE MORRIS LLP
505 9th St., N.W., Suite 1000
Washington, D.C. 20004
Telephone: (202) 776-7800
Facsimile: (202) 776-7801

Dated: March 24, 2009